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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

United States of America,)	
Plaintiff,)	
)	
)	
vs.)	Case No. 12CR40055-1-TSH
)	
)	
Anthony Wooldridge,)	
Defendant.)	

BEFORE: The Honorable Timothy S. Hillman

Sentencing

United States District Court
Courtroom No. 2
595 Main Street
Worcester, Massachusetts
July 20, 2015

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Official Court Reporter
United States District Court
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8 on behalf of the Government

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P R O C E E D I N G S

(The following proceedings were held in open court before the Honorable Timothy S. Hillman, United States District Judge, United States District Court, District of Massachusetts, at the Donohue Federal Building & United States Courthouse, 595 Main Street, Worcester, Massachusetts, on July 20, 2015.)

THE CLERK: All rise.

Court is now open. You may be seated.

Case No. 12-40055, United States versus Anthony

03:03:30PM 10 Wooldridge.

Counsel, please note your appearance for the record.

MR. FLASHNER: Corey Flashner on behalf of the United States.

MR. FRIEDHOLM: Good afternoon, your Honor. Greg Friedholm on behalf of the United States.

THE COURT: Good afternoon.

MR. O'HARA: Good afternoon, your Honor. Raymond A. O'Hara on behalf of Mr. Wooldridge, who is present.

03:03:49PM 20 THE COURT: Good afternoon, Mr. O'Hara; and good afternoon, Mr. Wooldridge.

THE DEFENDANT: Good afternoon.

THE COURT: Just give me one second, please.

(Probation conferred with counsel.)

03:04:31PM 25 THE COURT: Okay. Just to set the record, we are here for Mr. Wooldridge's sentencing; and in preparation for that, I

1 have read and reviewed Ms. Roberts', as always, excellent
2 presentence report, which was prepared on May 6th; although
3 there was a pre-plea report prepared on April 7th, and then the
4 report was revised on July 1st.

03:05:01PM 5 In addition, I have received and read Mr. O'Hara's
6 sentencing memorandum that was dated on July 16th, and attached
7 to it were a number of very helpful communications from family
8 and friends of the defendant. There was some medical
9 information attached to it as well. I'm unaware of any other
03:05:37PM 10 materials.

11 Is the government aware of anything that I missed?

12 MR. FLASHNER: I'm not, your Honor.

13 THE COURT: Mr. O'Hara?

14 MR. O'HARA: No, I assume that you're acknowledging
03:05:47PM 15 the receipt of Dr. Mendoza's report?

16 THE COURT: That's correct.

17 MR. O'HARA: Okay. All right. And then -- because
18 what I did is I filed a redacted copy on line, and I just did
19 that on my own. It wasn't that much that had to be redacted.

03:06:03PM 20 There were just a few paragraphs so rather than --

21 THE COURT: I did get the --

22 MR. O'HARA: Rather than having the entire thing filed
23 under seal -- I think I learned that with Judge Saylor -- I
24 redacted what I felt were the sensitive portions and filed
03:06:16PM 25 everything else directly with you in the unredacted form.

1 THE COURT: Thank you.

2 Mr. O'Hara, while you were -- while you were up, have
3 you had a chance to not only review the presentence report but
4 to go over it with Mr. Wooldridge?

03:06:32PM 5 MR. O'HARA: Yes.

6 THE COURT: And, Mr. Wooldridge, do you feel that you
7 have had enough time to go through the presentence report, and
8 are you prepared to move forward today?

9 THE DEFENDANT: Yes.

03:06:40PM 10 THE COURT: All right. All right. So I'm going to
11 start by just going through the offense-level calculations
12 because I know, Mr. O'Hara, you wanted to take issue with some
13 of that, and then I will go to the criminal history
14 calculations and then the sentencing options.

03:07:04PM 15 So the offense-level computation is as follows: The
16 defendant presents with a base offense level of 32, and to that
17 there were no adjustments for role, victim related, or
18 obstruction of justice; and from that there was a two-level
19 deduction for acceptance of responsibility.

03:07:37PM 20 And is the government prepared to make a motion on a
21 third-level reduction?

22 MR. FLASHNER: Your Honor, the government would so
23 move.

24 THE COURT: All right. Now, because of the
03:07:51PM 25 defendant's career offender status, that makes the career

1 offender offense level at 37 from which again there is a
2 three-level deduction for a total career offender level --
3 offense level of 34.

4 Mr. O'Hara, you wanted to be heard on the attributable
03:08:18PM 5 weight?

6 MR. O'HARA: Yes, your Honor. Based upon -- the Court
7 was not required to make specific findings as to why it held
8 that Mr. Wooldridge was responsible for more than the
9 280 grams, which triggers the 120-month mandatory sentence, and
03:08:38PM 10 when I reviewed the -- my notes of what happened during the
11 seven-day trial in February, it wasn't clear to me how the
12 Court had arrived at that -- at that number.

13 There were conversations that were recorded indicating
14 that Mr. Wooldridge delivered 200 of something. Back, I
03:09:01PM 15 believe, on June 25th or June 27th of 2012, after that
16 conversation and after Mr. Wooldridge was observed by law
17 enforcement interacting with Mr. Hernandez, there were
18 conversations between Mr. Hernandez and Mr. Dunston regarding
19 the cooking process.

03:09:21PM 20 Subsequent to those conversations, Mr. Wooldridge then
21 appeared on the -- significantly during the wiretap interacting
22 with Mr. Hernandez towards the end of July, and there was an
23 indication that Mr. Hernandez had received 300 grams of powder
24 cocaine from one of his sources, and that 300 grams was cooked
03:09:44PM 25 up by Mr. Hernandez and Mr. Dunston and then divided between

1 Mr. Hernandez, Dunston, and Mr. Wooldridge, who each got
2 approximately 100 grams.

3 Mr. Wooldridge was subsequently arrested shortly after
4 those conversations were recorded, and he was in possession of
03:10:02PM 5 93 grams of crack cocaine.

6 After that, Mr. Wooldridge kind of disappears from the
7 telephone calls. And by the middle of August, his
8 conversations with Mr. Hernandez are extremely limited and
9 rare, and it's during that time period between the middle of
03:10:21PM 10 August and the end of August that Mr. Hernandez is heard making
11 arrangements with Mr. Cruz, Compi, for the delivery of the
12 500 grams that are later intercepted through the Postal
13 Service. He's also involved with protracted negotiations
14 through a female friend of his to have the stuff delivered to
03:10:43PM 15 her surreptitiously saying he was receiving some kind of gift
16 from his girlfriend. And there are limited conversations
17 between Mr. Hernandez and Mr. Dunston about that arrangement.
18 There are no conversations between Mr. Wooldridge and
19 Mr. Hernandez about what Mr. Hernandez's plans are with Compi.

03:11:02PM 20 So there are a variety of ways that the Court could
21 have arrived at 200 grams of cocaine. It would require that
22 the 200 of whatever Mr. Wooldridge delivered to Dunston and
23 Hernandez back in June was converted to crack and that he
24 reasonably should have foreseen that. Obviously, the 93 grams
03:11:21PM 25 that are found on his person, he's responsible for. We've

1 never contested that, nor have we ever contested his part in
2 the conspiracy.

3 So my argument is that he shouldn't be held
4 accountable for 500 grams that Mr. Cruz, Compi, was sending up
03:11:35PM 5 to Hernandez the end of August, and that in a worst-case
6 scenario he shouldn't be held accountable for more than
7 the -- I believe it's 800 grams, which triggers a level 34.

8 All of what I'm saying, of course, is trumped by the
9 fact that based upon his criminal record, he does classify and
03:11:57PM 10 qualify for career offender status. And I'll address that in a
11 moment.

12 THE COURT: Thank you.

13 Do you want to be heard on that, Mr. Flashner? Are
14 you pulling the oar on this?

03:12:10PM 15 MR. FLASHNER: I am. Briefly, your Honor. I think
16 Probation -- in short, I think Probation got it right. They
17 held him accountable for the other 497 grams of powder that was
18 sent up by Richard Cruz, or Compi, to Mr. Hernandez. There is
19 repeated phone calls during the course of the conspiracy
03:12:31PM 20 between this defendant and Sergio Hernandez asking about
21 sources of cocaine, and more specifically asking about Compi.

22 I think based upon that there's an agreement that they
23 are going to find another source, whether it be Compi or
24 someone else, and that there's enough to hold him accountable,
03:12:48PM 25 and that it was reasonably foreseeable to him -- attributable

1 to him.

2 Thank you.

3 MR. O'HARA: If I could just say one other thing.

4 THE COURT: Sure.

03:12:54PM 5 MR. O'HARA: At the close of the case, the government
6 submitted a memorandum in binder form where they indicated, as
7 I attached to my sentencing memorandum, that Mr. Wooldridge was
8 not responsible for that amount that was delivered by
9 Cruz/Compi; that he was only responsible for 778 grams. So I
03:13:11PM 10 would ask that they be held to what they said at the close of
11 the case. They were present and they prosecuted it.

12 THE COURT: All right. I do find that there was at
13 least 497 grams attributable -- I mean that there's -- that the
14 offense involves at least 840, but less than 2.8.

03:13:38PM 15 Now, tell -- talk to me about the career offender.

16 MR. O'HARA: Well, as I said in my memoranda, the
17 career offender guideline, when the guidelines were more or
18 less mandatory, was the most utilized grounds for departure by
19 judges nationwide, and the reason that it was frequently
03:13:56PM 20 departed from was because the criminal history status that was
21 stated in the career offender guideline overstated a person's
22 propensity and the seriousness of their criminal record. And
23 Mr. Wooldridge falls right into that category.

24 He has two offenses on his record which trigger career
03:14:16PM 25 offender status. They only need two, and both of them were for

1 relatively minor street-level cases involving drugs where he
2 had private attorneys or court-appointed attorneys, pleaded
3 guilty. In one case it was a continuance without a finding;
4 and the second case, which happened about a year later, he was
03:14:33PM 5 given 90 days in the house of correction.

6 Based upon that 90-day sentence, the continuance
7 without a finding was revoked, and he was given 90 days
8 concurrent on that case also. So he had 90 days in the house
9 of correction about six or seven years before he's involved in
03:14:51PM 10 this conduct here.

11 There are other cases on his record, which are minor,
12 including a mutual assault and battery with his siblings, which
13 was disposed of with a mutual guilty filed. His record simply
14 is not as significant as that of somebody who would be
03:15:07PM 15 classified as a career offender.

16 The Court also has information about Mr. Wooldridge
17 regarding his problems. He is a street-level seller of -- of
18 drugs, of cocaine and marijuana, and he was selling those
19 quantities basically to maintain his own habit, which got worse
03:15:24PM 20 and worse as he became more heavily addicted to opioids. So I
21 would suggest to the Court that he is not the person that the
22 Commission more or less pigeonholed for the career offender
23 status. He's not a major drug dealer. He was a minor drug
24 dealer with a heavy habit, who was involved in street sales of
03:15:46PM 25 drugs. And as I said, his prior interactions with courts were

1 relatively minor, especially when you compare his record to
2 that of Mr. Dunston.

3 So I would suggest to the Court that the sentence
4 that's suggested by the career offender guideline in his case
03:16:04PM 5 grossly overstates the seriousness of his past conduct and is
6 grossly disproportionate with his offense conduct in this case
7 and what kind of a sentence he should be, you know, imposed by
8 the Court.

9 THE COURT: Do you want to weigh in on the ...

03:16:16PM 10 MR. FLASHNER: Your Honor, just -- just two points
11 that I would want to make. Just so the record is clear, the
12 government did use a chalk during its closing argument in which
13 it submitted that Mr. Wooldridge was responsible for the
14 498 grams that was sent up by -- by Mr. Cruz.

03:16:30PM 15 The government in its argument -- I believe the
16 argument was even if you said they only got .6, even if the
17 conversion rate for this was only .6, it would still be
18 299 just as a way to give the defendant the benefit of the
19 doubt -- benefit of the doubt. The government has never
03:16:47PM 20 strayed from its belief, however, that it did prove a
21 one-to-one ratio.

22 Setting that aside now that I think the record's
23 accurate. With regard to the career offender, he has two prior
24 convictions. This Court has seen career offenders with more
03:17:03PM 25 serious offenses and career offenders that have served more

1 jail time for their prior offenses. That said, as the statute
2 is written, I believe he does qualify.

3 THE COURT: Thank you. I -- I agree that he does
4 qualify.

03:17:18PM 5 All right. So that makes the guideline provisions
6 262 to 327 months, a five year supervised release guideline,
7 probation not authorized, and a fine of 17,500 to \$11 million.
8 Restitution is not applicable, and there's a special assessment
9 of \$200.

03:17:53PM 10 All right. Let me hear you -- from the United States
11 first, please.

12 MR. FLASHNER: Thank you, your Honor.

13 The defendant faces actually two sets of charges.
14 There's the overarching conspiracy for which he's responsible
03:18:06PM 15 for over 280 grams, and then there's Count Two of the
16 superseding information for which he faces a five-year
17 mandatory minimum for the over 28 grams when he's arrested with
18 just under a hundred grams of crack cocaine back on July 31.

19 In looking at Mr. Wooldridge, there are really three
03:18:29PM 20 principal transactions that he is involved in. He figures in
21 as a supplier to Mr. Hernandez on June twenty -- and
22 Mr. Dunston on June 25th and June 26th when he supplies them
23 with 200 grams of powder cocaine that they then cook into crack
24 cocaine for \$8,200.

03:18:48PM 25 With respect to him being a street-level user, who's

1 simply satisfying his own drug habit, these are not
2 transactions that a street-level user would be involved in.
3 We're talking about \$8,200 in cash for 200 grams. It's not a
4 street-level transaction of someone who's a drug-addicted
03:19:14PM 5 person selling 8 or 10 gems, or rocks, of crack cocaine in
6 order to steal or have one in order to support their own habit.
7 I think that to consider Mr. Wooldridge a street-level user of
8 drugs is -- is -- is not what the evidence showed at trial.

9 Looking at -- the second incident is on July 31.
03:19:33PM 10 Mr. -- Mr. Hernandez and Mr. Dunston purchased approximately
11 300 grams of crack cocaine. Mr. Wooldridge is in contact with
12 them. He ultimately gets his third of that, and he's
13 ultimately arrested later on that evening by the Worcester
14 Police Department and subsequently charged in state court after
03:19:53PM 15 his arrest. He had approximately 98 grams on that particular
16 day. And then there's the 500 grams that are sent up from
17 Mr. Cruz that he's also attributable to.

18 The Court had seven days of testimony on that. The
19 Court has sat through a lot of hearings in which it has heard
03:20:10PM 20 evidence on all these. I just wanted to make the record fairly
21 clear.

22 What concerns the government and what I want to
23 highlight for the Court today is Mr. Wooldridge's conduct after
24 his arrest on July 31, 2012. It's what he does and what he
03:20:25PM 25 doesn't do.

1 He doesn't think: I got in trouble. I'm going to
2 stop. Rather, his -- his -- his actions, and we know his words
3 because it was a Title III intercept, are the exact opposite of
4 that. This isn't someone who says, I'm in trouble. I'm going
03:20:43PM 5 to stop. I have a drug habit. I'm going to stop. There's
6 nothing like that. Rather, and I'm just going to read a couple
7 of quotes from Mr. -- Mr. Wooldridge.

8 On August 2nd, just two days after he's arrested,
9 Mr. Hernandez received a call from Mr. Wooldridge, and
03:20:59PM 10 they -- they begin to discuss -- discuss Mr. Wooldridge's
11 situation, and Mr. Wooldridge responds that he's going to cut
12 everyone off and, quote, "only keep about seven or eight
13 people, and all the new ones can't be trusted," end quote. So
14 here he is two days after being arrested in state court. He
03:21:18PM 15 was charged with the mandatory minimum, facing serious drug
16 charges. He's released. And his thought is, how can I keep my
17 business going and not get rearrested, not get in trouble with
18 law enforcement again.

19 He's basically just deciding that he's going to
03:21:35PM 20 continue to work as a crack cocaine dealer, and he even tells
21 the police that day that he feels like the case against him is,
22 quote, "was not beatable," end quote.

23 And then you look -- and this is perhaps the most
24 troubling is the next day, August 3rd, 2012, just after
03:21:54PM 25 11:18 p.m. that day. Mr. Wooldridge and Mr. Hernandez have a

1 phone conversation, and Wooldridge goes on and describes how
2 he's going to limit his potential exposure to law enforcement
3 since his arrest. And he states, quote, I got like five people
4 that want like 100 pieces, and then I need to like get a seven,
03:22:13PM 5 nigga. I'm only fuckin' -- I know there's a lot of family, and
6 there are some young children in here. If they want to take
7 them out, I suggest they do it now. The language is not
8 something they may want to not choose to have their children
9 hear.

03:22:27PM 10 And then I need to get a seven, nigga. I'm only
11 fuckin' with like seven people, nigga. People that never leave
12 their crib. People that I've dealt with since I was a kid.
13 People that I just go to their crib. So even if I only have
14 eight or nine people right now, I'm cutting off like 50 people.
03:22:47PM 15 I don't even give a fuck. I just want to make a few dollars,
16 like, you can't get me a seven right now.

17 And what Mr. Wooldridge is saying there is he's asking
18 Mr. Hernandez to get him a seven, to get him some -- a quantity
19 of crack cocaine, and he's indicating that he's going to deal
03:23:06PM 20 to people that he can trust and people that he doesn't think
21 that will get in trouble with because he goes to their house or
22 their crib and sell to it. But he also says that he's cutting
23 off, like, 50 people. Cutting off 50 people. Those are 50
24 people who -- who like Mr. Wooldridge -- who are like Mr.
03:23:26PM 25 Wooldridge in some sense because they're sons and daughters and

1 fathers and mothers and nephews and nieces to someone. But
2 those people are the people who he, instead of going to work
3 every day, getting up at 9:00 a.m., these are the people who
4 he's serving. He's serving them with drugs, and he's pumping
03:23:47PM 5 those drugs right back into the community. Fifty people by his
6 own words.

7 To consider him a street-level dealer, your Honor, he
8 is just not. He's engaging in at least 200-gram transactions
9 that we know -- 200 grams in a single transaction for over
03:24:05PM 10 \$8,000. He's servicing, by his own words, at least 50
11 different clients at least at one point. At least at this
12 point. He is out there, and he is selling drugs to people in
13 this community, and that's what he's doing.

14 If you look at his prior history, and I'm not -- I'm
03:24:23PM 15 not going to sit here and pound the table and suggest that this
16 Court hasn't seen career offenders with worse histories. Of
17 course it has. Has Mr. Wooldridge ever been indicted? No, he
18 hasn't. Has he ever served jail time? Yes, he has. Has he
19 ever served state prison time? No, he hasn't. I mean, he
03:24:42PM 20 received a -- in 2005, distribution of Class B and Class D. He
21 received a -- I want to make sure it is Class B, your Honor.

22 Class -- Class B and Class D, he received a
23 continuation without a finding, and then he ends up with six
24 months committed. But that was back in '05. This case
03:25:05PM 25 happened in '12. That's seven years earlier. So he has been

1 dealing drugs for seven years. He got arrested then. He
2 received a break. The state court gave him a continuation
3 without a finding, which if he had just stayed out of trouble,
4 this Court well knows, it ultimately would have read on his
03:25:25PM 5 criminal history as a dismissal. He is unable to do that.

6 And then in 2006 he's arrested again for possession of
7 D with the intent to distribute. And he's arrested again.
8 It's not an incredibly large quantity of crack cocaine, but
9 he's arrested with crack cocaine, and he receives a 90-day
03:25:43PM 10 committed sentence at that time. Two prior drug distributions
11 in his history.

12 Are they the most serious career offender predicates
13 this Court has ever seen? No, but are they illustrative of
14 Mr. Wooldridge and the fact that he's dealing drugs. He has
03:25:59PM 15 been dealing drugs for the past seven years.

16 His criminal history, as it's relayed in the PSR, also
17 does contain some history of violence. There's no shootings.
18 There's no stabbings, but there is some history of violence.
19 It's violence within -- most of it, the convictions at least,
03:26:14PM 20 are continuations without a finding are for violence that
21 happened within his family. These dating back from '06 and '05
22 as well. There are some other assault and battery arrests, but
23 those are not convictions.

24 In terms of an appropriate sentence, your Honor, there
03:26:30PM 25 is a mandatory minimum sentence on Count One of ten years, and

1 there's a mandatory minimum sentence of five years on
2 Count Two.

3 The Court has within its discretion to run those
4 consecutive or concurrent, and the defendant's guideline
03:26:44PM 5 sentencing ranges is well above that. It's -- it's -- the low
6 end of that is over 20 -- approximately 22 years. 262 months.
7 That is a very long sentence, and the government is not going
8 to stand here and ask you to impose the minimum career offender
9 sentence.

03:27:04PM 10 The government is also cognizant of the previous
11 sentence -- sentences that defendants have received in this
12 case; and in fairness, the government has stated almost since
13 the time of the initial appearance in this case that
14 Mr. Hernandez was at the top of this; Mr. Dunston was a very
03:27:21PM 15 close second; and Mr. Wooldridge was a fairly distant third.
16 And the government is -- I would be remiss if I didn't state
17 that again. The government has requested sentences of, I
18 believe, 20 years for Mr. Hernandez. I believe it was 19 years
19 for Mr. Dunston. Mr. Hernandez hasn't been sentenced.

03:27:42PM 20 Mr. Dunston received a 12-year sentence. The government took
21 that into consideration, but the government is aware of the
22 guidelines and is aware of the purpose of the guidelines as
23 well as the 3553(a) factors.

24 Looking at all those factors and looking at this
03:28:00PM 25 defendant's history of drug dealing, the government feels that

1 a significant sentence is warranted, and the government would
2 recommend the following: We would recommend a 15-year sentence
3 on Count One, the conspiracy count; a five year committed
4 sentence to run concurrent on Count Two; a five-year period of
03:28:17PM 5 supervised release, which is the minute -- the minimum period
6 of supervised release required by statute on both counts to run
7 concurrent; a \$100 special assessment on both counts -- on each
8 count, rather; and a forfeiture as alleged in the indictment.
9 That would be the government's recommendation given this
03:28:34PM 10 defendant, given his prior history, and given some of the other
11 factors that I'm sure Mr. O'Hara will get into during the
12 course of his discussion with the Court and his argument to the
13 Court concerning Mr. Wooldridge's upbringing and some of the
14 hurdles and obstacles that he had to overcome during that time
03:28:51PM 15 period.

16 Thank you.

17 MR. O'HARA: If I could just say one thing. I have to
18 step back, but I want to make sure I'm not messing up more than
19 I already have. We're not conceding, and I don't believe there
03:29:03PM 20 was any evidence produced at trial indicating that there's a
21 one-on-one conversion rate between powder cocaine and crack
22 cocaine. And in my sentencing memorandum I included a
23 conclusion that was made in a case a couple of months ago with
24 Judge Zobel where she made the same statement. The government
03:29:22PM 25 at the close of the case in its chalk indicated that it also

1 tended to agree with the testimony of the expert, who testified
2 basically without objection, that the 492 or '95.2 grams of
3 crack cocaine that had been delivered by Mr. Cruz to
4 Mr. Hernandez could not have been converted into a similar
03:29:46PM 5 amount of cocaine powder. So I just want the record to reflect
6 that we're not acquiescing in the argument that the 500 grams
7 that were delivered by Mr. Cruz to Mr. Hernandez would have
8 converted into 500 grams of cocaine base. And that is like on
9 the tail end of my argument that he shouldn't have been
03:30:09PM 10 accountable for any of that.

11 We also wanted the Court to know, and I want to bring
12 this up again, just for the sake of protecting the record, that
13 there were conversations at the end of June when he delivered
14 200 of whatever he delivered to Mr. Hernandez, indicating that
03:30:28PM 15 Mr. Hernandez and Mr. Dunston at that time were selling powder
16 cocaine, and it wasn't clear whether the entire 200 grams were
17 converted to crack where the sum was powder. To me it wasn't
18 clear if the Court made its ruling. I just want my objection
19 to be reflected in the record.

03:30:44PM 20 THE COURT: Thank you.

21 MR. O'HARA: I also would like to thank the Court for
22 putting up with me and my co-counsel for two weeks in February.
23 This is new ground for me. I have never been in a situation
24 where I had a jury-waived trial, I think ever, no less on an
03:31:02PM 25 issue regarding weight that would affect sentencing. All my

1 previous experience with these cases were basically arguments
2 that were conducted at sentencing or at hearings at sentencing
3 under a preponderance standard.

4 Mr. Wooldridge, your Honor, I probably have said this
03:31:20PM 5 before, and you've heard this from other counsel. He's not the
6 person I met when I first was appointed to represent him.
7 Actually, I was retained. Physically, he's about less than
8 two-thirds of what he was when I first was encountering him.
9 He's also not ill. When I first met with him he was going
03:31:39PM 10 through withdrawal. He has lost over a hundred pounds, and I
11 recognize him because I've seen him so often during the past
12 two and a half, almost three years, but physically he's a
13 different person. Mentally, he's a different person. And
14 since my representation of him has begun, he has undergone a
03:32:02PM 15 180-degree change in attitude.

16 The reports that you have from various sources,
17 especially from Dr. Mendoza, indicate that he seems to have a
18 predisposition towards an anxiety issue and depression, and I
19 can attest personally from having met with him the first year
03:32:21PM 20 of my representation that it was extremely difficult. I am not
21 a mental health specialist, but the amount of panic and
22 preoccupation he displayed to me was very difficult at times.
23 And as he went through -- actually, when he was placed in
24 Wyatt, and out of Walpole -- I don't know -- I have no idea
03:32:44PM 25 while -- why he was placed in Walpole. It was something the

1 marshals had worked out because of overcrowding. As soon as he
2 was removed from Walpole and placed in Wyatt, he began meeting
3 twice a month with mental health counsellors there. They
4 monitored his medication. They provided him with medication.
03:33:01PM 5 They changed the medication, and his attitude has changed, and
6 he has been given positions of significant trust within the
7 institution as he has progressed through the treatment.

8 He is now given -- pretty much he's on an open
9 schedule with the health services, and whenever they have
03:33:18PM 10 massive arrests like happened a couple of weeks ago in Boston
11 with the 45 people who were picked up in Boston, a lot of those
12 people were sent to Wyatt. He has to prepare the medical
13 review packets before they arrive. So it's not a steady job.
14 It's just something that he finds out about, they tell him to
03:33:35PM 15 do it. And from what I understand, he's very good at doing it.
16 He has got a good brain. He has a lot of potential, and
17 unfortunately, he has --

18 THE COURT: There was a nice letter from Wyatt
19 about --

03:33:45PM 20 MR. O'HARA: Ms. Singleton, yeah. And also, I
21 included every letter that I got in support. Sometimes I edit
22 them, or I think you have too much on your plate, but the
23 members of his family and friends went out of their way to
24 write letters on his behalf, and I didn't think I had the right
03:34:03PM 25 to withhold any from your own view. And if there was a common

1 thread in those letters it was that he has a heart of gold;
2 he's very generous; he tries to take care of people. And most
3 of the people in his family had no idea how deeply he was
4 addicted to opioids since his late teens. And when I first met
03:34:24PM 5 with him more than two years ago, he was going through
6 withdrawal symptoms. He was physically ill. He was on
7 opioids.

8 Cocaine, as bad as it is, is not physically addictive.
9 It is psychologically addictive. Heroin and opioids will kill
03:34:41PM 10 you. They can kill you during your withdrawal. They can kill
11 you if you keep taking them. And I don't need to bring to the
12 Court's attention the number of people recently who have died
13 from using heroin, which is where he was headed, if he hadn't
14 been arrested, because what happens frequently is that people
03:34:57PM 15 become addicted to prescription painkillers; and then when they
16 can't get the prescriptions, they buy heroin on the street, and
17 the potency of the heroin fluctuates to the extent that people
18 can die. So being arrested is probably something which may
19 have saved his life, and I think he has grown to an
03:35:14PM 20 understanding of that.

21 His role in this offense, as Mr. Flashner said, is
22 much different than that of Mr. Dunston and Mr. Hernandez. By
23 my informal count, 85 percent of the recorded telephone calls
24 on Mr. Hernandez's phone were between Hernandez and Dunston.
03:35:32PM 25 There were phone calls between Hernandez and others and Dunston

1 where they're talking about firearms. He was not involved,
2 Mr. Wooldridge, with any of that.

3 When Mr. Dunston -- excuse me -- when Mr. Hernandez
4 was arrested, a loaded firearm was found in the -- in the place
03:35:45PM 5 where he was staying.

6 When Mr. Wooldridge was arrested, there were no
7 firearms found. There's no violence involved in anything that
8 he was involved in in this particular case. And I have to say
9 that the fact that he supplied 200 grams of powder cocaine to
03:36:01PM 10 Mr. Hernandez back in June was the only time, at least
11 according to the wiretaps, that he did that, and we don't know
12 where that 200 grams came from. He certainly didn't profit by
13 \$8,200 himself for his own personal use on that.

14 What he was doing was he was selling small quantities
03:36:20PM 15 of crack cocaine, \$20 and \$40 portions to street addicts in
16 order to get enough money to support his own habit. And by
17 being arrested in this case, we have enabled him to arrest his
18 habit. He has done everything he could, not so much because
19 he's looking for a shorter sentence, but because he needs help.

03:36:40PM 20 Any program that was made available to him, and there's not a
21 whole lot available at Wyatt, he has done, he has completed,
22 and he has come through it in flying colors. He has also
23 extended himself without my knowledge to other clients of mine
24 who were incarcerated, and I found out after the fact that he
03:36:58PM 25 had done that. He has rediscovered his religion, which he had

1 neglected and lapsed while he was using drugs, and he's
2 involved not only in bible study, he's also conducting bible
3 study.

4 The Court should be concerned based upon the number of
03:37:14PM 5 arrests on his record. How is he going to stay out of trouble
6 when his sentence is over? And all I can tell you is that if
7 he's not using drugs, he will be law abiding. That's what he
8 wants to do. And right now for the past two-plus years, he has
9 been clean, he likes being clean, he doesn't want to fall back
03:37:32PM 10 into that again.

11 As I stated in my memorandum, I specifically remember
12 meeting with Mr. Cantino, who at the time had taken over for
13 Ms. Cuascut as the pretrial services officer in this court, and
14 we were working out details to have him released when he said,
03:37:49PM 15 "No, I don't want to be released. I'm going to go back to
16 using drugs. I can't control it. I don't want to be released.
17 I don't want my mother putting up the house to get me out of
18 here because I'm going to screw up. This is where I need to be
19 until I'm clean and sober." And he's not happy being
03:38:07PM 20 incarcerated. I don't want to state that he's not happy at
21 all, but he has done what he could to show the Court that he's
22 a suitable candidate for release. He looks forward to getting
23 the 500 hour RDAP Program within the Federal Bureau of Prisons,
24 and he welcomes the fact that when he is released he will be on
03:38:26PM 25 conditions of release that will include mental health

1 counseling and also include narcotics counseling. And I think
2 with those two components of his supervised release, I'm
3 confident, and I very rarely am, that he can actually do it, he
4 can actually turn his life around.

03:38:42PM 5 Ten years is what I'm asking for. Ten years is the
6 least you can give him. I look at ten years, your Honor, my --
7 my twins are entering their sophomore year in college. I just
8 got the bill, and I'm like, I've got to do this for another
9 three years. It seems like forever. He's looking at ten
03:39:01PM 10 years, another five or six years on top of what he has already
11 served. It takes ten years of studying to become a doctor. It
12 takes eight to ten years to become a priest. He's at the
13 bottom of the hill looking up, and I suggest to the Court that
14 given the problems he has had, which are the root of his
03:39:19PM 15 difficulties in terms of substance abuse, in terms of what he
16 suffered as a child, in terms of his panic disorders and
17 history of depression that you have a blueprint for success for
18 him provided he gets alcohol and drug treatment and provided he
19 gets psychological counseling.

03:39:38PM 20 In fashioning a sentence which is not longer than
21 necessary to comport with the requirements of 18 U.S.C.,
22 3553(a), I would suggest that 120 months is a long period of
23 time for this man. It keeps him away from his family for at
24 least another four or five years. He lives every day with the
03:39:58PM 25 knowledge of what he did wrong, and I would be very, very

1 surprised and disappointed no matter what sentence he gets if
2 he were to re-offend in the future. I think he understands
3 what his problem is and how to deal with the problem, and that
4 there's no easy solution, but he's willing to do whatever he
03:40:16PM 5 can, including going into a care program or any kind of program
6 that has heightened supervision afterwards, because he
7 desperately does not want to be in this situation again.

8 Thank you.

9 THE COURT: Mr. Wooldridge, do you wish to address me
03:40:32PM 10 before I impose sentence?

11 THE DEFENDANT: Yes.

12 THE COURT: Please do.

13 THE DEFENDANT: Thanks for allowing me to speak this
14 afternoon.

03:40:40PM 15 MR. O'HARA: Speak louder into this microphone.

16 THE DEFENDANT: I'm a little nervous, so I'm going to
17 read off the --

18 THE COURT: It's okay. Anyway you want.

19 THE DEFENDANT: All right. To start, first and
03:40:53PM 20 foremost, I would like to apologize to all the victims whose
21 lives I've damaged. I'm truly sorry and extremely heartbroken
22 to have done such.

23 There isn't a day that goes by that I don't think
24 about what I've done. I'm so deep into my own problems and
03:41:05PM 25 addiction that I did not realize the harm I was causing, which

1 is no excuse for what I did.

2 In the past year, I have met numerous inmates whose
3 lives have been ruined by drug addiction, which I now know is
4 as serious a problem as my own.

03:41:17PM 5 Next, I would like to thank my entire family for
6 endless love and support. I finally realized how lucky and
7 blessed I truly am. Not only have you all been supportive of
8 me, but you have all filled the voids in my children's lives
9 due to my absence.

03:41:32PM 10 I cannot express in words how thankful I am. To my
11 mother and my three beautiful children, my love for you is
12 endless. I'm embarrassed as your son, and I'm embarrassed as
13 their father.

14 Mom, I know you didn't raise me to do harm. In fact,
03:41:47PM 15 it was the opposite. You raised me to love, work hard, and
16 always lead by an example. Despite this mess I got myself
17 into, I know you still love me, and I want to thank you for
18 doing so unconditionally. I hope to be home soon, and always
19 remember that I love you dearly. I know there is more for me
03:42:04PM 20 to accomplish in my rehabilitation, but I'm on the right track.
21 I believe having structured my life will be the key for my
22 success. I know I can be a positive example in my home and in
23 my community.

24 So today, your Honor, I'm asking you to consider
03:42:17PM 25 giving me the least amount of time possible so I can get home

1 to my children and family so that I can be the father and the
2 man I want to be.

3 Lastly, I want to thank my attorney Ray O'Hara for all
4 the time he put into my case and for all of his efforts.

03:42:30PM 5 THE COURT: Thank you. Nice job.

6 THE DEFENDANT: Thank you.

7 THE COURT: Michelle.

8 (The Court conferred with Probation.)

9 MR. FLASHNER: Your Honor, just before you pronounce
03:43:08PM 10 sentence, I just want to restate the government's position in
11 case there is an appeal from whatever sentence the Court may
12 impose. The government's position has consistently been that a
13 one-to-one crack -- powder cocaine to crack cocaine ratio is
14 appropriate in this case based upon the statements of the
03:43:24PM 15 defendants during the case.

16 The chart the government used in its summation was
17 merely meant to establish how strong the evidence was and that
18 even giving every benefit of the doubt to the defendant, even
19 beyond that required, or even suggested by the evidence, they
03:43:40PM 20 would have met the standard at trial.

21 THE COURT: All right. Mr. Wooldridge, if you would
22 stand up, please.

23 So pursuant to the Sentencing Reform Act of 1984, and
24 having considered the sentencing factors enumerated at
03:44:08PM 25 18 United States Code, Section 3553(a), it is the judgment of

1 this Court that you should be committed to the custody of the
2 Bureau of Prisons to be imprisoned for a term of 132 months.
3 This term consists of 132 months on Count One and a term of
4 60 mounts on -- months on Count Two to be served concurrently.

03:44:31PM 5 I am going to recommend participation in the Bureau of
6 Prison's Residential Drug Abuse Program; and upon release from
7 imprisonment, you shall be placed on supervised release for a
8 term of five years. That will consist of terms of five years
9 on Count One and five years on Count Two to be run -- run
03:44:55PM 10 concurrently.

11 I impose no fine, as I find you have no financial
12 ability to pay such.

13 I am imposing the mandatory and special conditions of
14 probation that Ms. Roberts has recommended in her presentence
03:45:10PM 15 report, and I am adding a third special condition that you
16 should engage -- be evaluated for, engage in, and successfully
17 complete mental health counseling.

18 I'm ordering that you should pay to the United States
19 a special assessment of \$200, which shall be due and payable
03:45:31PM 20 immediately.

21 You can be seated.

22 You can appeal your convictions if you believe that
23 your guilty plea was unlawful or involuntary, or if there was
24 some other fundamental defect in the proceeding that was not
03:45:44PM 25 waived by your guilty plea.

1 You must file your notice of appeal within 14 days
2 after the entry of judgment; and if you request, the clerk will
3 immediately prepare and file a notice of appeal on your behalf.

4 So, look, there's no good news here, and I take no
03:46:06PM 5 pleasure in this. This is just not the way you want to do
6 things. It's not the way I want to do things. I am -- I do
7 want to say this. I'm gratified by the fact that even while
8 you are incarcerated, you are taking the steps to turn this
9 thing around and get a handle on your addiction and getting
03:46:28PM 10 engaged in the program. So that's a good thing. So, you know
11 what, I usually tell people to make this the beginning and not
12 the ending, and I can tell you've already done that. So that's
13 a good thing.

14 The other thing is this: I can't tell you how lucky
03:46:44PM 15 you are to have these wonderful people back here supporting
16 you.

17 THE DEFENDANT: Yes.

18 THE COURT: It's not every day -- I mean it breaks my
19 heart when people have got nobody back there and you know
03:46:52PM 20 damn well that when they get out it's going to be the same old,
21 same old. Okay. These people are here to help you, and
22 they're here to keep you in the discipline and the things you
23 need. And I know you're disappointed in yourself and -- and,
24 you know, you feel you've disappointed them, but guess what,
03:47:10PM 25 they're here because they want you to succeed, and they love

1 you. And guess what, it doesn't happen like that a lot. So
2 take advantage of this. Make this a beginning, okay, not an
3 ending.

4 THE DEFENDANT: Yes.

03:47:21PM 5 THE COURT: All right. Anything further from the
6 government?

7 MR. FLASHNER: Nothing further from the government,
8 your Honor.

9 THE COURT: The defendant?

03:47:26PM 10 MR. O'HARA: No, your Honor.

11 THE COURT: All right. Good luck.

12 THE DEFENDANT: Thank you.

13 THE COURT: We're in recess.

14 (At 3:47 p.m., Court was adjourned.)

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C E R T I F I C A T E

I, Marianne Kusa-Ryll, RDR, CRR, do hereby
certify that the foregoing transcript is a true and accurate
transcription of my stenographic notes before the Honorable
Timothy S. Hillman, to the best of my skill, knowledge, and
ability.

/s/ Marianne Kusa-Ryll

11/15/15

Marianne Kusa-Ryll, RDR, CRR

Date

Official Court Reporter